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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,912	03/18/2004	Kazuyuki Seki	250530US2	5411
22850 7590 07/13/2007 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER HANNETT, JAMES M	
			ART UNIT 2622	PAPER NUMBER
			NOTIFICATION DATE 07/13/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/802,912	<b>Applicant(s)</b> SEKI, KAZUYUKI	
	<b>Examiner</b> James M. Hannett	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-10, 15-17 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 4-7, 11-14, 18-21 and 25-28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**1:** Claims 1-3, 8-10, 15-17 and 22-24 are rejected under 35 U.S.C. 102(B) as being anticipated by US 2001/0048774 A1 Seki et al.

**2:** As for Claim 1, Seki et al teaches on Paragraphs [0188-0190] and depicts in Figures (5 and 23) A digital camera apparatus comprises a recorder for recording a plurality of informative data of items, as an information file, to be used in classifying and arranging image data, a microphone for inputting voices, a voice decipher for deciphering a content of expression made by said voices picked up through the microphone (A/D converter), an item informative data extractor for extracting an informative datum of an item which informative datum is analogous to the deciphered content of the expression from the information file, and an item informative data recorder for recording the informative datum of the item extracted by the extractor into an Exif file for the image data.

**3:** In regards to Claim 2, Seki et al teaches on Paragraphs [0188-0190] which further comprises an item informative datum decisively determining unit for fixedly determining the information datum of the item extracted (voice annotation) by the extractor and wherein said item information data recorder records the informative datum (voice annotation) of the item decisively determined by the item information datum fixedly determining unit into said Exif file.

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Seki et al teaches that voice annotations recorded by the microphone can be added to the Exif image file.

4: As for Claim 3, Seki et al depicts in Figure 5 and teaches on Paragraph [0170] wherein said item informative datum decisively determining unit (camera) comprises a release button (21) of the digital camera, and said informative datum of the item is decisively determined by pressing down the release button.

5: In regards to Claim 8, Seki et al teaches on Paragraph [0078] which comprises a voice inputting controller (microphone controller 105) for effecting on/off control of inputting of the voices with said microphone, and said voice inputting controller (105) controls said on/off control of inputting of the voices in conjunction with turning on/off operation of a specific key.

6: As for Claim 9, Claim 9 is rejected for reasons discussed related to claim 8.

7: In regards to Claim 10, Claim 10 is rejected for reasons discussed related to claim 8.

8: As for Claim 15, Seki et al teaches on Paragraphs [0188-0190] and depicts in Figures (5 and 23) a digital camera apparatus comprising a recorder for recording a plurality of informative data of items, as an information file, to be used in classifying and arranging image data, a microphone for inputting voices, a CPU and an inputting unit for ordering operations, wherein based on instructions from said inputting unit, said CPU is constructed to decipher a content of expression made by said voices picked up through the microphone, to extract an informative datum of an item which informative datum is analogous to the deciphered content of the expression from the information file, and to record the informative datum of the item extracted by the extractor into an Exif file for the image data.

9: In regards to Claim 16, Claim 16 is rejected for reasons discussed related to Claim 2.

- 10: As for Claim 17, Claim 17 is rejected for reasons discussed related to Claim 3.
- 11: In regards to Claim 22, Claim 22 is rejected for reasons discussed related to Claim 8.
- 12: As for Claim 23, Claim 23 is rejected for reasons discussed related to Claim 9.
- 13: In regards to Claim 24, Claim 24 is rejected for reasons discussed related to Claim 10.

***Allowable Subject Matter***

14: Claims 4-7, 11-14, 18-21 and 25-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hannett whose telephone number is 571-272-7309. The examiner can normally be reached on 8:00 am to 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James M. Hannett

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Examiner  
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A handwritten signature in black ink, appearing to be 'J. M. H.', written over the printed name of the examiner.

JMH  
July 5, 2007